

# EXHIBIT A

**From:** [Rubman, Gary](#)  
**To:** [Gill, Robert C.](#); [Flax, Sherry H.](#); [jhodes@hodgeslc.com](mailto:jhodes@hodgeslc.com)  
**Cc:** [Roman, Neil](#); [Swanson, Peter](#); [dluthey@gablelaw.com](mailto:dluthey@gablelaw.com); [Sawyer, Michael](#)  
**Subject:** RE: Discovery settlement proposal  
**Date:** Wednesday, November 08, 2017 12:23:04 PM

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Bob,

This response is disappointing, particularly given your earlier email in which you offered to meet and confer today or tomorrow. In reaching the agreement to cancel the scheduling conference, we relied on several commitments from you and your colleagues, all of which you have failed to honor. In addition to the clearly contrary positions you are now taking with respect to the trade secret discovery, you have not honored your commitment to make best efforts to agree to a protective order and ESI stipulation by November 8th. Indeed, you have not even provided comments on either document. Please provide redlines of both the protective order and ESI stipulation by the end of the day today.

With respect to the meet and confer, we are available to do it on Monday. Please provide the times you are available that day.

Best regards,

- Gary

### **Gary Rubman**

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---

**From:** Gill, Robert C. [<mailto:Robert.Gill@saul.com>]  
**Sent:** Wednesday, November 08, 2017 1:08 PM  
**To:** Rubman, Gary <[grubman@cov.com](mailto:grubman@cov.com)>; Flax, Sherry H. <[Sherry.Flax@saul.com](mailto:Sherry.Flax@saul.com)>; [jhodes@hodgeslc.com](mailto:jhodes@hodgeslc.com)  
**Cc:** Roman, Neil <[nroman@cov.com](mailto:nroman@cov.com)>; Swanson, Peter <[pswanson@cov.com](mailto:pswanson@cov.com)>; [dluthey@gablelaw.com](mailto:dluthey@gablelaw.com); Sawyer, Michael <[msawyer@cov.com](mailto:msawyer@cov.com)>  
**Subject:** RE: Discovery settlement proposal

Gary:

I don't understand the delay comment, since the deadline for discovery responses is still several weeks out on November 22. Regardless, we are having an extremely difficult time getting something scheduled before Monday, given the time parameters. We also have an upcoming meeting with the Zobrist group that should help us better understand what they have been able to accomplish with their document searches, and the universe of available documents, that should better prepare us for the discussion.

We suggest that we meet on Monday to address discovery, and at the same time discuss the draft protective order, and your proposed ESI protocol.

Please let us know if you are available to meet on Monday, and some good times to do so.

Bob

---

**From:** Rubman, Gary [<mailto:grubman@cov.com>]  
**Sent:** Wednesday, November 08, 2017 8:40 AM  
**To:** Gill, Robert C.; Flax, Sherry H.; [jhodes@hodeslc.com](mailto:jhodes@hodeslc.com)  
**Cc:** Roman, Neil; Swanson, Peter; [dluthey@gablelaw.com](mailto:dluthey@gablelaw.com); Sawyer, Michael  
**Subject:** RE: Discovery settlement proposal

Bob,

Please confirm your availability for a meet and confer this afternoon. Needless to say, we are concerned about the delay in resolving this issue. We hope that at least one member of your team will be available to meet and confer this afternoon.

Best regards,

- Gary

**Gary Rubman**

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-----Original Message-----

From: Gill, Robert C. [<mailto:Robert.Gill@saul.com>]

Sent: Tuesday, November 07, 2017 5:06 PM  
To: Rubman, Gary <[grubman@cov.com](mailto:grubman@cov.com)>  
Subject: Re: Discovery settlement proposal

Trying to coordinate with folks on my end on this and will circle back to you when I can get a handle on their commitments.

Sent from my iPhone

On Nov 7, 2017, at 3:29 PM, Rubman, Gary <[grubman@cov.com](mailto:grubman@cov.com)<<mailto:grubman@cov.com>>>>  
wrote:

Bob,

Thank you for the response. We are available to meet and confer tomorrow afternoon between noon and 1:30 or after 4:00. Can you please let us know the time that works best for you and whether you would like to host the meeting or come to our office?

Best regards,

- Gary

Gary Rubman

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[www.cov.com](http://www.cov.com)<<http://www.cov.com>>

<image001.jpg>

From: Gill, Robert C. [<mailto:Robert.Gill@saul.com>]  
Sent: Tuesday, November 07, 2017 3:08 PM  
To: Rubman, Gary <[grubman@cov.com](mailto:grubman@cov.com)<<mailto:grubman@cov.com>>>>; Flax, Sherry H.  
<[Sherry.Flux@saul.com](mailto:Sherry.Flux@saul.com)<<mailto:Sherry.Flux@saul.com>>>>; Roman, Neil  
<[nroman@cov.com](mailto:nroman@cov.com)<<mailto:nroman@cov.com>>>>  
Cc: Swanson, Peter <[pswanson@cov.com](mailto:pswanson@cov.com)<<mailto:pswanson@cov.com>>>>;  
[dluthey@gablelaw.com](mailto:dluthey@gablelaw.com)<<mailto:dluthey@gablelaw.com>>;  
[jhodes@hodgeslc.com](mailto:jhodes@hodgeslc.com)<<mailto:jhodes@hodgeslc.com>>  
Subject: RE: Discovery settlement proposal

Gary:

Not at all. We are not making trade secret discovery dependent on obtaining ruling on the motion to dismiss. But at the same time VGT's trade secret claims are very general and non-specific. We have a right to know the reasonable basis for VGT's claims as part of the discovery process. That information is necessary for us, and the court, to determine the scope of proper discovery for this claim.

If you would like to discuss this in more detail let us know some good times tomorrow (Wednesday) afternoon or Thursday toward the end of the day.

Regards,  
Bob

From: Rubman, Gary [<mailto:grubman@cov.com>]  
Sent: Monday, November 06, 2017 5:36 PM  
To: Gill, Robert C.; Flax, Sherry H.; Roman, Neil  
Cc: Swanson, Peter; [dluthey@gablelaw.com](mailto:dluthey@gablelaw.com)<<mailto:dluthey@gablelaw.com>>;  
[jhodes@hodesl.com](mailto:jhodes@hodesl.com)<<mailto:jhodes@hodesl.com>>  
Subject: RE: Discovery settlement proposal

Bob,

The position you are taking is directly contrary to your previous representation to the Court in the motion to strike the scheduling conference. Unless you revisit your position on this issue, we intend to raise this issue with the Court. Pursuant to local rule 37.1, please provide your availability tomorrow or Wednesday morning for a meet and confer.

- Gary

Gary Rubman

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[www.cov.com](http://www.cov.com)<<http://www.cov.com>>

<image006.jpg>

From: Gill, Robert C. [<mailto:Robert.Gill@saul.com>]  
Sent: Monday, November 06, 2017 2:29 PM  
To: Rubman, Gary <[grubman@cov.com](mailto:grubman@cov.com)<<mailto:grubman@cov.com>>>; Flax, Sherry H.  
<[Sherry.Flax@saul.com](mailto:Sherry.Flax@saul.com)<<mailto:Sherry.Flax@saul.com>>>; Roman, Neil  
<[nroman@cov.com](mailto:nroman@cov.com)<<mailto:nroman@cov.com>>>  
Cc: Swanson, Peter <[pswanson@cov.com](mailto:pswanson@cov.com)<<mailto:pswanson@cov.com>>>;  
[dluthey@gablelaw.com](mailto:dluthey@gablelaw.com)<<mailto:dluthey@gablelaw.com>>;  
[jhodes@hodesl.com](mailto:jhodes@hodesl.com)<<mailto:jhodes@hodesl.com>>  
Subject: Discovery settlement proposal

Gary:

In your email you assert that "VGT already has identified trade secrets that Castle Hill has misappropriated." We disagree with this assertion. In paragraphs 41-43 of the Complaint VGT defines its claimed trade secrets. However, it only does so in vague and general terms. The trade secrets are defined to include "the math underlying the games", the "specifics of the manner in which the bingo game is played" and the "source code used to operate the games." What VGT has identified are only general ideas or concepts. VGT has not made any effort to describe or define the claimed trade secrets with any reasonable particularity. As a consequence, it is impossible to tell from Plaintiff's vague generalizations how those matters for which trade secret protection is claimed differ from matters of general knowledge in this industry.

We understand that VGT may have been reluctant to provide detail in its complaint, since it is a publicly available document. However, Castle Hill is not obligated to give VGT, who is a competitor, and one who clearly wishes to limit or block Castle Hill's presence in the marketplace, limitless discovery into its Castle Hill's confidential business information, including its source code. The same is true for any regulatory or testing lab submissions. Even VGT admits in its proposed protective order that source code is highly confidential information.

We have asked in our discovery requests for VGT to describe each trade secret claimed in this action. Once we have this information Castle Hill will be in a position to determine the scope of discovery that it is appropriate for this claim.

Bob

From: Rubman, Gary  
Sent: Thursday, November 02, 2017 2:58 PM  
To: Flax, Sherry H. <[Sherry.Flax@saul.com](mailto:Sherry.Flax@saul.com)<<mailto:Sherry.Flax@saul.com>>>; Gill, Robert C.  
<[Robert.Gill@saul.com](mailto:Robert.Gill@saul.com)<<mailto:Robert.Gill@saul.com>>>; Roman, Neil

<nroman@cov.com<mailto:nroman@cov.com>>

Cc: Swanson, Peter <pswanson@cov.com<mailto:pswanson@cov.com>>;

dluthey@gablelaw.com<mailto:dluthey@gablelaw.com>;

jhodges@hodgeslc.com<mailto:jhodges@hodgeslc.com>

Subject: RE: Discovery settlement proposal

Sherry,

In light of our agreement, as well as Castle Hill's own statements in its initial disclosures, it is surprising that you now appear to be taking the position that the regulatory and testing lab submissions may not be "relevant absent VGT's specification of the trade secrets copied." Putting aside that VGT already has identified trade secrets that Castle Hill misappropriated, your email suggests that Castle Hill may not intend to live up to its end of our agreement and may seek to further delay production of these highly relevant materials.

In contrast to Castle Hill, VGT has never sought to delay production of relevant information about its games, including regulatory submissions, assuming a protective order with appropriate protections is in place. That is why we have been pushing for several weeks to finalize a protective order. Indeed, it has now been a week since you were copied on an email relating to the protective order, but we have not yet received a response (despite your agreement last Friday to make best efforts to agree to a protective order by November 8). Please promptly provide your comments, if any, regarding the draft protective order.

We intend to produce regulatory and testing lab submissions for VGT games on November 22nd, as long as you confirm that Castle Hill will produce on that day its regulatory and testing lab submissions (including submissions to the Eclipse testing lab and/or Nick Farley) and source code. Consistent with our discovery requests, Castle Hill should be producing all versions of the submissions and source code for each of the accused games, as well as for Castle Hill's bingo servers and EGMs/clients. Recognizing that this may be voluminous, we are willing to agree to a rolling production of these materials as long as Castle Hill produces on November 22nd the submissions (including the source code) for the first version of each of the games, bingo servers and EGMs/clients. If Castle Hill does not agree with this approach, we intend to raise this issue with the Court. Please let us know your position. We are available to meet and confer tomorrow or Monday.

Best regards,

- Gary

Gary Rubman

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<image007.jpg>

From: Flax, Sherry H. [<mailto:Sherry.Flux@saull.com>]  
Sent: Tuesday, October 31, 2017 1:17 PM  
To: Rubman, Gary <[grubman@cov.com](mailto:grubman@cov.com)<<mailto:grubman@cov.com>>>; Gill, Robert C.  
<[Robert.Gill@saull.com](mailto:Robert.Gill@saull.com)<<mailto:Robert.Gill@saull.com>>>; Roman, Neil  
<[nroman@cov.com](mailto:nroman@cov.com)<<mailto:nroman@cov.com>>>  
Cc: Swanson, Peter <[pswanson@cov.com](mailto:pswanson@cov.com)<<mailto:pswanson@cov.com>>>;  
[dluthey@gablelaw.com](mailto:dluthey@gablelaw.com)<<mailto:dluthey@gablelaw.com>>;  
[jhodes@hodesl.com](mailto:jhodes@hodesl.com)<<mailto:jhodes@hodesl.com>>  
Subject: Discovery settlement proposal

Gary – As we have repeatedly stated, Bob Gill is involved in a jury trial this week. I cannot commit to a date for a meet and confer in the event we are unable to reach an agreement until he is available.

We agreed last Friday to withdraw our request to produce regulatory submissions and source code after disposition of the pending Motion to Dismiss. We did not and do not agree that that these materials are relevant absent VGT's specification of the trade secrets copied. Castle Hill will produce the requested materials on Nov. 22 if VGT will agree to produce its regulatory submissions and source code for the games allegedly infringed or copied by Castle Hill on the same date.

Best regards,

Sherry

From: Rubman, Gary [<mailto:grubman@cov.com>]  
Sent: Monday, October 30, 2017 1:59 PM  
To: Flax, Sherry H.; Gill, Robert C.; Roman, Neil  
Cc: Swanson, Peter; [dluthey@gablelaw.com](mailto:dluthey@gablelaw.com)<<mailto:dluthey@gablelaw.com>>;  
[jhodes@hodesl.com](mailto:jhodes@hodesl.com)<<mailto:jhodes@hodesl.com>>  
Subject: RE: Discovery settlement proposal

Sherry,

We are disappointed to see your response. When we reached the agreement on Friday, we were operating in good faith and assumed you would take the necessary steps to confirm that your client



will be producing the requested materials by November 22nd. As we pointed out, these materials are plainly relevant (indeed, Castle Hill acknowledged that in its initial disclosures) and should be maintained by your client. Based on your agreement to drop your timing-based objections to trade secret discovery, we expected you would have been able to provide the requested confirmation by today. Your email below does not provide a reasonable explanation as to why Castle Hill cannot meet the November 22nd deadline.

As a further gesture of goodwill on our part, we will agree to extend the deadline for discovery responses until this Thursday. If you are not able to confirm by then that you will be producing the requested materials by November 22nd, please provide times on Friday when you are available for a meet and confer.

I have added Dean and Jim to this email chain.

Best regards,

- Gary

Gary Rubman

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[www.cov.com](http://www.cov.com)<<http://www.cov.com>>

<image006.jpg>

From: Flax, Sherry H. [<mailto:Sherry.Flax@saul.com>]  
Sent: Monday, October 30, 2017 1:39 PM  
To: Rubman, Gary <[grubman@cov.com](mailto:grubman@cov.com)<<mailto:grubman@cov.com>>>; Gill, Robert C.  
<[Robert.Gill@saul.com](mailto:Robert.Gill@saul.com)<<mailto:Robert.Gill@saul.com>>>; Roman, Neil  
<[nroman@cov.com](mailto:nroman@cov.com)<<mailto:nroman@cov.com>>>  
Cc: Swanson, Peter <[pswanson@cov.com](mailto:pswanson@cov.com)<<mailto:pswanson@cov.com>>>  
Subject: Discovery settlement proposal

Gary –Bob is tied up in a jury trial this week. For the same reasons that Castle Hill sought a brief extension for the exchange of discovery responses, we cannot agree today to produce regulatory submissions and source code on November 22. We require a reasonable opportunity to gather, review, and analyze all information in the context of VGT's claims and Castle Hill's defenses. Because the case has been pending for only a couple of months, we trust that you will see fit to cooperate

with a brief extension until November 22 to serve discovery responses, without conditions that require us to make decisions about issues that we have not been able to consider. The fact discovery deadline in June 2018 easily accommodates this extension with no prejudice. It would be unfortunate to involve the court in a dispute such as this, particularly in light of the new amendments that emphasize cooperation among the parties in discovery.

Please let me know at your earliest convenience if we have an agreement to exchange discovery responses on November 22. Thank you.

Best regards,

Sherry

<image008.png><<http://www.saul.com/>>

Sherry H. Flax

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Suite 900 | Baltimore, MD 21202-3133

Tel: 410.332.8784 | Fax: 410.332.8785

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\* Please note that our Firm name and my email address have changed.

From: Rubman, Gary [<mailto:grubman@cov.com>]  
Sent: Friday, October 27, 2017 5:53 PM  
To: Gill, Robert C.; Roman, Neil; Flax, Sherry H.  
Cc: Swanson, Peter  
Subject: RE: Discovery settlement proposal

Thanks, Bob. Please ensure that the motion makes it clear that the parties have reached an agreement with respect to the one issue that had been in dispute relating to the scheduling conference (i.e., Castle Hill will be dropping its timing-based objections to the trade secret discovery).

Have a nice weekend.

- Gary

Gary Rubman

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[www.cov.com](http://www.cov.com)<<http://www.cov.com>>

<image006.jpg>

From: Gill, Robert C. [<mailto:Robert.Gill@saoul.com>]  
Sent: Friday, October 27, 2017 5:32 PM  
To: Rubman, Gary <[grubman@cov.com](mailto:grubman@cov.com)<<mailto:grubman@cov.com>>>; Roman, Neil  
<[nroman@cov.com](mailto:nroman@cov.com)<<mailto:nroman@cov.com>>>; Flax, Sherry H.  
<[Sherry.Flux@saoul.com](mailto:Sherry.Flux@saoul.com)<<mailto:Sherry.Flux@saoul.com>>>  
Cc: Swanson, Peter <[pswanson@cov.com](mailto:pswanson@cov.com)<<mailto:pswanson@cov.com>>>  
Subject: RE: Discovery settlement proposal

Gary:

We are in agreement as to continuing the conference Monday.

As for the discovery deadline, we will consult with the client and get back to you Monday on this issue.

We will file a motion to cancel the hearing, and indicate your consent. Furthermore, if the hearing is held Monday only local counsel will attend.

Bob

From: Rubman, Gary [<mailto:grubman@cov.com>]  
Sent: Friday, October 27, 2017 4:40 PM  
To: Gill, Robert C.; Roman, Neil; Flax, Sherry H.  
Cc: Swanson, Peter  
Subject: RE: Discovery settlement proposal

Bob,

Based on your response below, we are willing to request that the Court cancel Monday's scheduling conference. At this point, however, we are not able to agree to postponement of Monday's discovery deadline. There should be no reason why your client cannot agree to production of its regulatory/testing lab submissions (and the source code contained in those submissions) by November 22nd. We assume Castle Hill maintains such submissions in the ordinary course of its business. We also note that in Castle Hill's Initial Disclosures (see attached), which were served three weeks ago, Castle Hill acknowledged that the source code (as well as other information, including the math) used for its games is relevant to this case. Accordingly, it is not clear to us what basis Castle Hill could have at this point to further delay production of this important information.

Please confirm by 3:00 pm ET on Monday that Castle Hill will produce the requested regulatory/testing lab submissions (including the source code) by November 22nd. If you can provide that confirmation, we will agree to postponement of Monday's deadline for all discovery responses to November 22nd.

Best regards,

- Gary

Gary Rubman

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[www.cov.com](http://www.cov.com)<<http://www.cov.com>>

<image006.jpg>

From: Gill, Robert C. [<mailto:Robert.Gill@saul.com>]  
Sent: Friday, October 27, 2017 3:50 PM  
To: Roman, Neil <[nroman@cov.com](mailto:nroman@cov.com)<<mailto:nroman@cov.com>>>; Flax, Sherry H.  
<[Sherry.Flax@saul.com](mailto:Sherry.Flax@saul.com)<<mailto:Sherry.Flax@saul.com>>>  
Cc: Swanson, Peter <[pswanson@cov.com](mailto:pswanson@cov.com)<<mailto:pswanson@cov.com>>>; Rubman, Gary  
<[grubman@cov.com](mailto:grubman@cov.com)<<mailto:grubman@cov.com>>>  
Subject: RE: Discovery settlement proposal

Neil:

Thank you. It was good talking with you as well.

We agree with your points 1 and 2. On point 3, we can agree to exchanging discovery responses by November 22. On the specific points of regulatory and testing lab submissions and source code for the games I need to have to have client input and consent. Is this enough to go forward and obtain a continuance of the hearing Monday?

Bob

From: Roman, Neil [<mailto:nroman@cov.com>]  
Sent: Friday, October 27, 2017 3:26 PM  
To: Gill, Robert C.; Flax, Sherry H.  
Cc: Swanson, Peter; Rubman, Gary  
Subject: RE: Discovery settlement proposal

One clarification -- with respect to the source code to be produced, that is to include the source code for both the EGMs and the bingo server.

From: Roman, Neil  
Sent: Friday, October 27, 2017 3:23 PM  
To: 'Gill, Robert C.' <[Robert.Gill@saul.com](mailto:Robert.Gill@saul.com)<<mailto:Robert.Gill@saul.com>>>; Flax, Sherry H. <[Sherry.Flux@saul.com](mailto:Sherry.Flux@saul.com)<<mailto:Sherry.Flux@saul.com>>>  
Cc: Swanson, Peter <[pswanson@cov.com](mailto:pswanson@cov.com)<<mailto:pswanson@cov.com>>>; Rubman, Gary <[grubman@cov.com](mailto:grubman@cov.com)<<mailto:grubman@cov.com>>>  
Subject: Discovery settlement proposal

Bob and Sherry,

It was good talking with you this afternoon.

We have discussed your proposal with the client and are prepared to agree to a postponement of Monday's discovery deadline and hearing if we can agree on the following:

1. Castle Hill will immediately drop its timing-based objections to providing trade secret discovery.
2. The parties will make best efforts to agree to a protective order and ESI stipulation by November 8.
3. The parties will exchange written discovery responses and initial document productions by November 22, with Castle Hill's production to include its regulatory and testing lab submissions and source code for all games at issue.

Please let us know Castle Hill's position.

Thanks,  
Neil

Neil Roman

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[www.cov.com](http://www.cov.com)<<http://www.cov.com>>

"Saul Ewing Arnstein & Lehr LLP ([saul.com](http://saul.com)<<http://saul.com>>)" has made the following annotations:

+~~~~~+

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If you are not the intended recipient (even if the e-mail address is yours), you may not use, copy, or  
retransmit it. If you have received this by mistake please notify us by return e-mail, then delete.

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